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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,475	11/28/2000	Hideyuki Toriyama	018775-808	5387

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EXAMINER

GRANT II, JEROME

ART UNIT PAPER NUMBER

2626

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/722,475

Applicant(s)

TORIYAMA ET AL.

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 9 is/are rejected.
- 7) ☒ Claim(s) 3-7, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.


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### Detailed Action

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

 Claims 1, 2, 8, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohara.

With respect to claim 1, Ohara teaches an image processing apparatus (figure 7) which performs a first operation (performed by circuit 25) and a second operation (keyboard 23) which is different from the first operation, further comprising: a first processor 23 as claimed, a second processor 25 as claimed; a memory (16, 17) as claimed; a controller 22 which changes connection of the memory to the first and second processors, 23 and 25, to connect either the first or second operation to the memory.

With respect to claim 2, Ohara teaches the first operation is not performed at the same time as the second operation. See switch 1 via element 24 that switches a first or second process but not both at the same time.

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With respect to claim 8, Ohara teaches an image processing apparatus that has a printer wherein the first operation is test print (first energization) for printing a predetermined pattern data and a second operation (second energization) is normal print for printing the document data; said first processor processes the document image data to print the document image (see col. 3, line 57 to col. 4, line 5 where thermo transfer elements for the first and second energization affect the density correction between each energization).

With respect to claim 9, Ohara teaches a density converter (col. 5, lines 41-46) and said memory for storing a conversion table for density conversion performed by said converter (element 23 is a memory).

2.

### **Claims Objected**

Claims 3-7, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Claims Allowed**

Claims 12 and 13 allowed for the reason the prior art does not show the combination of the claimed feature where a first processor is acquired in the prescan and the second processor is acquired in the normal scan.

Claims 14 and 15 are allowed based upon the persuasiveness of the arguments.

### **3.**

#### **Examiner's Remarks**

Applicant contends that Ohara et al. (Ohara) does not teach a first and second processor as claimed. Applicant further contends that the correction data memory is not a processor. Applicant is correct in his analysis of the storing of density correction data in memory 23. However, applicant's own analysis proves that circuit 23 is a processor. At page 3 of the remarks, just before the first full paragraph, it states in part, ".... The density correction data memory 23 supplies the corresponding correction data to the same calculation circuit 25..." Hence, if the memory is supplying correction data to memory 25 for the purpose of checking whether the resistance of each of the

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heating elements is higher or lower than an average, then the circuit 23 processes the correction data and supplies. The examiner opines that a supplying of data correction parameters **is a process**.

At the top of page 4, applicant argues that clarification of the function of memory 23 is needed. Memory 23 is both a memory and a processor. It is memory in that it stores density correction values, see col. 5, lines 65-69. It is a processor because the density correction data are data for checking whether the resistance of each of the heating elements is higher or lower than the average value of the resistances so that the heating elements have constant heating values. See col. 6, lines 1-12. Furthermore, it is a process in that density correction data memory 23 supplies the corresponding density correction data to the same calculation circuit 25. Hence memory 23 serves a dual function as applicant has correctly identified.

At page 5, in arguing the rejection to claim 1, in the first full paragraph, applicant argues that: " Nowhere does Ohara et al. disclose that the calculation circuit 25 and the correction data memory 23 use the shift register 16 or the latch circuit 17 as a memory..." Upon closer view, the examiner did not use this rationale in making a rejection of claim 1. It is not clear how this arguments agrees with claim 1.

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4.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thur. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEROME GRANT II  
PRIMARY EXAMINER

J. Grant II